

# **EXHIBIT 10**

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### David J. McFadden QC, Partner

Mr. McFadden is Chair of Gowlings' National Energy and Infrastructure Industry Group. He acts for a broad range of clients involved in infrastructure development and in power generation, distribution, sales and financing.

Recently, Mr. McFadden has been recognized in Lexpert's 2005 Guide to the Leading 100 Canada/US Cross-Border Corporate Lawyers in Canada; was listed in the "Consistently Recommended Energy-Electricity Corporate" section of the 2005 Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada; and was "recommended" in the Energy section of Public Law Company's Which Lawyer Yearbook, 10th ed., 2005 (formerly Global Counsel 3000).

He has played a key role in a number of initiatives relating to the power industry.

Mr. McFadden was appointed by the Government of Canada to serve as a member of the Electric System Working Group, which was part of the Joint Canada-U.S. Task Force established to investigate the power blackout that hit Ontario and much of the Northeastern United States in August 2003. The final report of the Task Force, issued in April 2004, set out a blueprint to enhance the reliability of the North American electricity grid.

In June 2003, Mr. McFadden was appointed to the Ontario Government's Electricity Conservation and Supply Task Force. The Task Force, which issued its final report in January 2004, provided a comprehensive strategy to meet the future energy demands of the province.

Since October 1996, he has been Chair of the Stakeholders Alliance for Electricity Competition and Customer Choice, a broad coalition of business and energy-related organizations including the Association of

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Major Power Consumers, Association of Exporters and Manufacturers, the Canadian Federation of Independent Business, the Electricity Distributors Association of Ontario, the Ontario Energy Association and the Association of Power Producers of Ontario.

From 1996 to 1999, he served as Chair of the Toronto Board of Trade's Task Force on the Electricity Industry. As Chair, he was actively involved in advocating for the business community's concerns on electricity issues and in organizing the Board's Power Breakfast Series featuring leaders from the electricity industry in Canada and abroad.

In November 2001, the Association of Power Producers of Ontario named Mr. McFadden the 2001 recipient of its Ontario Competition Award for Electricity in recognition for his efforts in advancing competition in the electricity industry in Ontario.

Mr. McFadden has been active in a number of business organizations. He served as a director of the Toronto Board of Trade, Canada's largest Board of Trade or Chamber of Commerce from 1993 to 2001. He was Chair of the Board of Directors of the Toronto Board of Trade from 1999 to 2000 after serving as Vice-Chair of the Board of Directors from 1996 to 1999, as Chair of the Governance Committee from 1997 to 1999 and as Chair of the World Trade Committee from 1993 to 1996. He is currently a member of the Toronto Board of Trade's Electricity Task Force.

Mr. McFadden served as the founding president of the Canada-U.S. Business Association from 1989 to 1993. He also was a member of the Policy & Analysis Committee of the C.D. Howe Institute from 1989 to 1992. He currently serves as a director of the Canadian Council of Public-Private Partnerships and of Cogen Ontario.

Mr. McFadden also serves on the Board of Directors for a number of Corporations. He is Chair of the Board of the Detroit and Canada Tunnel Corporation and PCI Geomatics Inc. and Deputy Chair of the Board of Macquarie Canadian Infrastructure Management Limited. He serves as a director of 407 International Inc., Anthony-Domtar Inc., Sanyo Canadian Machine Works Incorporated and the Toronto Economic Development Corporation. He previously served as President and Chairman of the Board of Environics Research Group.

Mr. McFadden served as a member of the Ontario Legislature from 1985 to 1987 and during this period was a member of the Legislature's Standing and Select Committees on Finance and Economic affairs.

In December 1988, Mr. McFadden was appointed one of Canada's members of the binational dispute settlement process created under the Canada-U.S. Free Trade Agreement to review and settle disputes arising from the application of Canadian and American trade law. He was reappointed in January 1992.

Over the years, Mr. McFadden has played an active role in a number of community and educational organizations, having served as

Chairman of the Board and Executive of Eglinton United Church from 1991 to 1993 and President of the Alumni Association of University College of University of Toronto from 1990 to 1991. He is currently a director of the Empire Club.

Mr. McFadden has spoken to business, academic, professional and political organizations and conferences in Canada, the United States, Latin America, Europe and the Far East on a broad range of business, legal and political topics.

Mr. McFadden was called to the Ontario Bar in 1972 after receiving his law degree from Osgoode Hall Law School and was appointed Queen's Counsel in 1983.

## **Related Content**

### **Practice Areas**

- Energy
- Infrastructure
- Government Relations and Regulatory Affairs
- Government Services
- Business Law
- Technology

### **Publications**

- Summary and Analysis of Ontario's Electricity Conservation and Supply Task Force's Report (3/15/2004)
- Bill 210: the Legislation Behind the "Action Plan" on Electricity (12/3/2002)
- Power to the People (2/5/2002)

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